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**Public Safety & Emergency Preparedness  
Committee**

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**HB 1019**

**Brief Description:** Constraining the department of corrections' authority to transfer offenders out of state.

**Sponsors:** Representatives Roberts, Walsh, Kagi, Green, Darneille, Hasegawa, Goodman, Hurst, Ladenburg, Appleton and Dickerson.

**Brief Summary of Bill**

- Prohibits the Department of Corrections (DOC) from transferring offenders out-of-state under certain circumstances.
- Requires the DOC to inform all offenders of its intent to transfer the offenders to an out-of-state facility no less than 14 days prior to the proposed transfers.

**Hearing Date:** 1/12/11

**Staff:** Yvonne Walker (786-7841).

**Background:**

Transfer of Offenders Out-of-State.

The Department of Corrections (DOC) may contract with authorities of the federal government and authorities of other states, private companies in other states, or any county or city in Washington providing for the detention and incarceration of prisoners convicted of a felony in Washington.

The DOC may transfer offenders out-of-state to private or governmental institutions if the DOC determines that the transfer is in the best interest of the state or the offender. The determination of what is in the best interest of the state or offender include, but is not limited to, considerations of overcrowding, emergency conditions, or hardship to the offender.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In determining whether the transfer will impose a hardship on an offender, the secretary must consider: (1) the location of the offender's family and whether the offender has maintained contact with members of his or her family; (2) whether, if the offender has maintained contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of the transfer; and (3) whether the offender is enrolled in a vocational or education program that cannot be reasonably resumed if the offender is returned to the state.

Prior to the transfer of any offender to an out-of-state institution, the DOC must, prior to the transfer, review the records of victims registered with the DOC. If a registered victim resides: (1) in a state to which the offender is to be transferred; or (2) in close proximity to the institution to which the offender is to be transferred, then the DOC must notify the victim prior to the transfer and consider the victim's concerns about the transfer. The victim must also be notified of the return of the offender to a facility in Washington prior to the return.

The DOC is responsible for transporting prisoners: (1) to and between state correctional facilities; and (2) between local institutions and state correctional facilities.

**Summary of Bill:**

Transfer of Offenders Out-of-State.

The DOC must inform all offenders in writing of the its intent to transfer the offenders to an out-of-state facility no less than 14 days prior to the proposed transfers.

Unless it is determined that the safety of an offender or staff would be endangered, the DOC is prohibited from transferring an offender out-of-state if the offender, within five days of being notified of possibly being transferred out-of-state, the offender requests in writing to remain in an in-state facility and demonstrates that he or she:

1. is regularly participating in extended family visitations with his or her child;
2. is regularly participating in parent-teacher conferences involving his or her child; or
3. has had at least six in person contacts with his or her child within the six months prior to the proposed transfer.

If circumstances arise that preclude full implementation of this policy by the DOC, the DOC must make a report to the appropriate committee chair, which shall document such circumstances and resolutions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.